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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Second periodic reports of States parties

ZAIRE*

* For the initial report submitted by the Government of Zaire see CEDAW/C/ZAR/1.

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FOREWORD

The periodic evaluation of the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women is an obligation of States Parties under article 18 of the Convention.

We wish to thank the United Nations Children's Fund (UNICEF), which, anxious to ensure that women and children thrive to the full, has assisted us in carrying out this evaluation.

Our focus of concern has been to examine our country's laws in relation to this international instrument and to draw attention to what is being said, what is being done and what should be done in various fields relating to women. Women, however, are multifaceted human beings who live in a society which is highly diverse. It would therefore be pretentious on our part to assert that this is a comprehensive report which provides a full picture of the status of women in our country.

On the contrary, our work merely serves as a basis for the mass awakening which we so vehemently desire.

We have briefly analysed the situation of women in major fields in relation to the Convention on the Elimination of All Forms of Discrimination against Women. In order to do so, we have worked with subject experts and have drawn on the resources of the Family Division - its legal services and those dealing with economic and socio-cultural development and with cooperation - as well as of the National Family Documentation and Information Centre (CENADIF) and the Maman Bobi Ladawa Mother and Child Centre of Ngaba, which also fall under the Family Division. To all of these we express our profound thanks.

(Signed) Odette BOLIE NONKWA MUBIALA

Text of the Convention on the Elimination of All Forms of Discrimination against Women

PREAMBLE

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, includirg distinction based on sex,

Noting that the States parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following: (see p. 10)

INTRODUCTION

By Legislative Ordinance No. 85-040 of 6 October 1985, Zaire ratified the Convention on the Elimination of All Forms of Discrimination against Women.[1]

By means of this Ordinance and pursuant to article 112 of the Constitutional Transition Act, which stipulates that "treaties and international agreements duly ratified or approved shall, from the time of their publication, have greater authority than do laws, subject, in the case of each treaty or agreement, to its implementation by the other party",[2] Zaire has undertaken to implement scrupulously the said Convention.

This evaluation of the status of implementation of the Convention, in Zaire, is intended to provide public authorities, women's organizations and women themselves with an insight into the true status of women in relation to their most fundamental rights. It is also intended to highlight the various measures to be taken with a view to helping women to better assume their responsibilities and participate in reality and effectively in the country's reconstruction.

This evaluation is made at a time when Zaire, a wealthy country with an area of 2,245,000 sq km and a population of 44,110,000 inhabitants, 22,381,000 of whom, i.e., over 50 per cent, are women,[3] is shrouded in political and economic uncertainty characterized by the succession of Governments since 24 April 1990, a date which heralded the start of the democratic process in our country, with ever galloping inflation and the country's economic fabric ruined by looting, in turn leading to unemployment, underemployment and rural exodus.

This evaluation is also made at a time when talk of elections abounds. These elections should, in principle, lead the country into the Third Republic. However, the Third Republic, which is symbolic of a State of law, cannot fully materialize without women, in view of their numbers and their role in society.

1. THE PLACE OF WOMEN IN SOCIETY

Since time immemorial, Zairian women have played a vital role in society, a role which has altered as the country has passed through the social, political and economic changes that have marked the successive eras of its history.

1.1. The pre-colonial period

In traditional society, women were confined to the role of mothers and care givers, educators and guardians of traditional values. Their main activities were to run the household, draw water, gather firewood and work in the fields. They also engaged in pottery-making and basketwork.

All these everyday agricultural and domestic tasks were performed by women with rudimentary tools and under the most arduous conditions. Their working day lasted from 6 a.m. to 9 p.m. They covered long distances on foot bearing heavy loads on their heads, often with a baby on their backs.

On the social level, first and foremost, they were mothers: they were the life-givers. They supported life and maintained tradition. Although relegated to a subordinate status, women were respected and sometimes even consulted. It is said that, among the Lunda, it was to women that the chief entrusted his coat of arms when he died, for transmission to his successor.

Women were also subjected to various types of taboos, including the dietary prohibitions common to all tribes. They were the victims of prejudices and often reactionary attitudes that kept them in a situation of inferiority vis-à-vis their male partners. They were resigned to this situation, to which they had been habituated from early childhood. On the political level, active public life was generally closed to them, apart from a few isolated cases of women rulers[5] and others who played a part in "town hall" discussions of social issues.

1.2. The colonial period

Throughout this period, in general, women retained their traditional functions. Nevertheless, they were cautiously granted the right to go to school: a few girls' schools were established, teaching home economics and training nurses and teachers. No concerted effort was made, however, to promote the education of women or to grant them access to government jobs.

As a result, many women during this period could already be found working as nurses in hospitals and as teachers.

1.3. From independence to the present

The country's initial years as a sovereign nation were beset by civil wars. As a result, the status of women at the outset of independence was not much better than it had been during the colonial period.

In 1966, the movement for the emancipation of women was launched by political will when the first woman assumed a post in the Government and women voted for the first time in a referendum.

After that, women became aware of their important role in society. They started to form associations and entered into government service. They are found in the magistrature, the Army, the Territorial government and hospitals, as well as in public and private companies. The percentage of women represented in these areas, however, is still low.

A significant measure on the legal level nevertheless warrants attention: the 1964 and 1967 Constitutions proclaim the equality of all Zairians before the law and equal protection for all before the law. Under the 1967 Constitution, women are declared electors and electable.

Since then, a number of other laws and measures have been adopted with a view to furthering the advancement of women, and women are now working side by side with men and showing what they can do in all areas of national life. Of course, much still remains to be done.

It can thus be affirmed that there are now:

- Traditional women whose living conditions as described above have scarcely changed, particularly in rural areas;

- Women, chiefly in urban centres, who would like to move forward but who feel trapped by deep-rooted traditions;

- Women who are fully liberated from reactionary traditions and who affirm their rights out loud and assertively.

2. WORK PLAN

This evaluation comprises four parts:

I. Policies to end discrimination between men and women and secure the advancement of women.

II. An examination of Zairian legal texts in regard to the Convention on the Elimination of All Forms of Discrimination against Women.

III. Actions, measures and obstacles in connection with the implementation, in Zaire, of the Convention of the Elimination of All Forms of Discrimination against Women, in the following areas:

1. Employment;
2. Cultural and traditional practices;
3. Traffic in women and female prostitution;
4. Political and public life;
5. Representation and international participation;
6. Nationality;
7. Education;
8. Health;
9. Economy;
10. Rural women;
11. Family life;
12. Violence against women;
13. Girl children.

IV. Recommendations.

I. POLICIES TO END DISCRIMINATION BETWEEN MEN AND WOMEN AND SECURE THE ADVANCEMENT OF WOMEN

TEXT OF CONVENTION (continued)

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

As emphasized above, Zaire's political will to work for the advancement of women was demonstrated by the entry of women onto the political scene and their participation in a popular referendum.

This demonstration of political will was illustrated by a number of other facts, namely:

- The enshrinement of the principle of equality between men and women in the 1967 Constitution. This principle has since been included in all constitutions governing Zaire;

- Zaire's endorsement of all resolutions and recommendations of the General Assembly of the United Nations, manifested in particular by:

  - Zaire's participation in the four major World Conferences on Women held respectively at Mexico City (Mexico) in 1975, at Copenhagen (Denmark) in 1980, at Nairobi (Kenya) in 1985 and at Beijing (China) in 1995;

  - Its participation as a member of the United Nations Commission on the Status of Women and in the Committee on the Elimination of Discrimination against Women;

  - The establishment of a national mechanism for the advancement of women;

- Various speeches of the President of the Republic, particularly those delivered on 4 February 1980 and 7 December 1982, in which he recognized that women were lagging behind in all areas of national life and affirmed that women should be included in the process of national development and that all forms of discrimination against women should end:

  "You know how much mothers are respected in Zaire. If you think about it, however, the integration of the Zairian citizen into the Mouvement populaire de la révolution (MPR) is still superficial. So far, women are, for the most part, visible only in the Political Bureau, the National Legislative Council, the National Executive Council or other MPR organs. We must go beyond this stage and embark on the task of thoroughly addressing all matters relating to the status of women in both rural and urban areas.""

"We want Zairian women to be integrated in this way at all levels, even in the legal field, where we wish to end all forms of discrimination against female Zairian citizens once and for all. Whether the issue be marriage, inheritance, the legal incapacity of married women or marriage settlements, we want to recognize the rights that Zairian mothers have as equal partners with men.";

- Presidential Decree No. 80-052 of 8 February 1980 establishing the Permanent Secretariat of the Political Bureau on the Status of Women, which was assigned the task of:

  - Carrying out in-depth studies on the status of women;

  - Exploring ways and means of increasing women's participation in the national development process;

  - Coordinating all activities benefiting women;

  - Representing Zaire at all international conferences dealing with women's issues.

Initially a specialized branch of the former Party-State, this national mechanism was made part of the Government in 1983 and, in July 1985, was given the additional task of addressing family issues. It has been known by a series of different names: the Permanent Secretariat of the Political Bureau on the Status of Women (1980-1981); the Division on the Status of Women (1981-1983); the Ministry for the Status of Women and Social Affairs (1983-1985); the Ministry for the Status of Women and the Family (1983-1985); the Party Executive Secretariat on the Status of Women and the Family (1987-1990); the Ministry for the Status of Women and the Family (1990-1992); the Family Division within the Ministry of Social Affairs, the Family and National Solidarity (1992-1994); and finally, the Family Division within the Ministry of Public Health and the Family.

Despite the change of name, the national mechanism for the advancement of women in Zaire, with its six national departments (central offices) and four specialized offices, as well as its representative offices in the 11 regions of the country, has taken various measures to benefit women in several areas of national life, including:

- The grouping together of rural women, the provision of instruction in dyeing techniques, the establishment of the appropriate technologies project, the publication of a women's magazine and the launching of numerous campaigns aimed at women;

- The decision of the Executive Secretariat, taken in August 1988, to establish and set up focal points for the advancement of women in all Government ministries and offices, in public and private enterprises and in field associations working in various areas;

- The Union of Workers of Zaire, once the only trade union, still exists today and is the largest; since March 1979, it has included a section

for women workers (DPT/Buprof). The latter seeks to promote the rights of professional women and, with the help of collective agreements, it has won numerous benefits for working women;

- Continuation of the programme of the Mama Mobutu Women's Centre, which has been training young women in income-generating activities since 1967;

- The Legislative Ordinance of 18 September 1965 concerning the operation of non-profit organizations is still in force today; it gave rise to the establishment of various non-governmental organizations and associations which are doing a tremendous amount of work in the field on women's issues;

- The measures taken by churches with women's sections; the latter work for the advancement of women, as well as for social advancement;

- The Family Code, which accords women more rights than did the former Civil Code, was promulgated on 1 August 1987 and entered into force on 1 August 1988. The value of this Code is that it endows the country with a law that is more in tune with the realities of life in Zaire;

- Finally, the establishment in 1993 of a national women's committee, which includes representatives of public institutions, non-governmental organizations and associations working on women's issues; it ensures follow-up of the major World Conferences on Women and oversees activities to benefit women.

All these measures show that Zaire has adopted a policy aimed at eliminating discrimination against women and promoting their advancement, in accordance with the recommendations of articles 1, 2 and 3 of the Convention on the Elimination of All Forms of Discrimination against Women. It should, however, be noted that this political will has been less and less in evidence since the beginning of the transitional period in Zaire; the national mechanism for the advancement of women has been reduced to a mere government department, and the financing allotted to it (0.08 per cent of the State budget[8]) is insufficient to carry out all the activities for the advancement of women.

The lack of regular participation by Zaire in the sessions of the Committee on the Elimination of Discrimination against Women is sufficient evidence of that absence of political will.

Finally, it should be noted that some provisions of other legislative texts which are unfavourable to women are still in force (section II), and that certain attitudes which give women an inferior role still prevail (section III.2).

II. CONSIDERATION OF ZAIRIAN LEGAL TEXTS IN THE LIGHT OF THE CONVENTION

1. The Constitutional Transition Act

Article 11 of the Constitutional Transition Act stipulates that all Zairians are equal before the law and are entitled to equal protection under the law. No Zairian can be subjected to a discriminatory measure in the area of education, access to public office, or in any other respect on grounds of his or her religion, racial or ethnic origin, gender, place of birth or of residence, or political beliefs, whether such measure results from the law or from a decision of the executive branch of Government.

Under articles 11 to 31 of the Act, all Zairians, both men and women, have the same fundamental rights and freedoms as set out in the Universal Declaration of Human Rights. These include the right to free development of personality (article 12), the right to peace, development and the common heritage of humanity (article 12), freedom of movement, enterprise, information, association and assembly, and the right to take part in parades and demonstrations subject to respect for the law, public order, and accepted standards of behaviour (article 10), the right to legal defence (article 15), the right to freedom of thought, conscience and religion (article 17), freedom of expression (article 18), the right to marry and found a family with the person of the opposite sex of his or her choice (article 20), the right to education and instruction (article 21), to individual and collective property (article 22), to the sanctity of the home (article 23), to privacy in correspondence, telecommunications or any other form of communication (article 24), the right to commerce (article 25), to work (article 28), to strike within the conditions laid down by law (article 29), and the right to a healthy environment.

These articles of the Constitutional Transition Act are in perfect harmony with the Convention. However, they are applied in a way that is not always favourable to women; also, certain provisions of particular laws are contrary to constitutional provisions.

2. The Law on Nationality[9]

This law, which constitutes volume 1 of the Zairian Family Code, lays down the equality of men and women in terms of acquisition, loss and transmission of nationality, which is single and exclusive in Zaire. Articles 5 and 30 state respectively:

> A child whose father and/or whose mother is Zairian shall be Zairian.
>
> A Zairian woman who marries a foreigner, or whose husband acquires a foreign nationality shall lose her Zairian nationality if she expressly renounces it.

In practice, minor children can appear on either the father's passport or the mother's. All these provisions, which are in conformity with the spirit of article 9 of the Convention, are somewhat restricted by the fact that a married woman cannot obtain a passport without her husband's authorization.

3. The Family Code

In addition to nationality, the Zairian Family Code, which was promulgated on 1 August 1987 and came into force on 1 August 1988, deals with the individual, the family, matters of inheritance and gifts.

3.1. Legal capacity

All Zairians, without distinction between men and women, acquire legal capacity at 18 years of age. They can therefore sign contracts or administer property (articles 212 and 219 of the Family Code). The conditions under which a person is deemed legally incompetent are the same for men and women (suspension of civic rights, mental infirmity, prodigality, minors ...). The issue of married women will be dealt with under point 3.6.

3.2. The freedom to enter into marriage

Equal freedom to enter into marriage is confirmed by articles 334 and 351 of the Family Code, which respectively provide that:

> "Any Zairian has the right to marry the person of his or her choice and to found a family."

> "Each of the future spouses must give personal consent to the marriage."

This provision forbids any discrimination or external pressure in the area of marriage. The law gives the future spouses the right to have recourse to the family council or the magistrate's court if there is any external pressure, whatever its source (article 35 of the Family Code).

3.3. Marriageable age

The minimum age for marriage is fixed at 15 for girls and 18 for boys.

3.4. Engagement

The form taken by the engagement is determined by the customs of the future spouses. If the customs conflict, the customs of the future wife will apply. Engagement is a promise of marriage; the persons concerned are not bound thereby to enter into the marriage.

3.5. Equality of spouses in relation to their children

Both spouses have the same rights and obligations towards their children. This is reflected in the principle of parental authority exercised by the spouses over their children (article 317 of the Family Code).

This concept has replaced that of paternal authority, which was contained in the former Civil Code left behind by the colonial Power. It states that father and mother jointly exercise authority over their children, and that the latter must honour and respect both parents without distinction. Both parents have the right to give their family names to the children (article 59). They

both have the right to decide the number of their children and to make decisions regarding the adoption of other children.

As for their duties to their children, both parents must raise them properly, feed and educate them.

3.6. Equality of spouses in marriage

Within marriage, the Family Code sets down the spouses' mutual rights and obligations:

- the mutual obligation to live together (article 453 of the Family Code).

- the reciprocal obligation to give mutual care and assistance (article 458 of the Family Code).

- the obligation of fidelity, mutual respect and affection (article 459 of the Family Code).

However, the Code also contains a paradox which violates the principle of equality of the spouses. Article 448 of the Family Code stipulates:

> A married woman must obtain her husband's authorization for any legal act in which she undertakes to provide a service which she will carry out in person.

Under the terms of this article, a married woman cannot, without her husband's authorization, sign a contract, open a bank account, travel, acquire property, or institute legal proceedings (except if she is taking proceedings against her husband, if she has to dispose of the property of a deceased person, or if her husband is absent or has been sentenced to at least six months' imprisonment).

However, the law gives married women authority in the home, and confirms that the husband is the head of the family.

- It should be noted that a married woman keeps her maiden name. During married life, she may add her husband's name if she so wishes (article 62 of the Family Code).

- A widow who has not remarried may continue to use her husband's name.

- The Zairian Family Code recognizes three types of marriage settlement:

  (1) Separate ownership of property;

  (2) Joint ownership restricted to property acquired after marriage (community restricted to acquests);

  (3) Joint ownership of all property (universal community).

It should be noted that, no matter what type of marriage settlement the spouses have opted for, it is assumed that administration of jointly and individually-owned property will be entrusted to the husband (article 490 of the Family Code).

3.7. Equality of spouses in divorce

Pursuant to the provisions of the Zairian Family Code, divorce can only result from a judicial decision following several attempts at reconciliation. This is because divorce is a traumatic experience, not only for the spouses but also - and above all - for the children. In the Family Code, the concept of divorce as a remedy has replaced that of divorce as a punishment. For that reason, there are no predetermined grounds for divorce, as there were in the former Civil Code. A judge will grant the divorce only if he considers that the conjugal union has broken down irretrievably.

It is for the spouse who is suing for divorce - irrespective of gender - to prove that the marriage cannot continue. When the divorce is pronounced, custody of the children is awarded to whichever parent offers the best guarantees for their upbringing and their future life (article 585 of the Family Code), unless the spouses have reached an agreement and it has been approved by the court.

3.8. Equality of spouses upon the death of either spouse

In respect of inheritances, the Family Code gives preferential treatment to children (those born of the marriage, those born out of wedlock but recognized during the lifetime of the deceased, and those adopted). It sets out the rights of the surviving spouse without any gender discrimination.

The husband or wife falls into a second category as far as inheritance is concerned, as do the father and mother of the deceased, the full brothers and sisters and half-brothers and sisters; the children make up the first category (article 758 of the Family Code).

Consideration of the above provisions of the Family Code show that, although it shows some improvement in the situation of women in respect of consent to marriage and mutual rights and responsibilities of spouses, it contains flagrant violations of articles 15 and 16 of the Convention.

Article 448 of the Code constitutes a barrier to the advancement of women, who move from being under the tutelage of their parents to being under the tutelage of their husbands. Furthermore, much abuse has often been observed on the part of the husband. It is also unacceptable that a married woman should be legally incompetent while her 18-year-old daughter has full legal rights. This legal incompetence of married women is also apparent in respect of the choice of the matrimonial home (the wife must follow her husband wherever he wishes to reside - article 454 of the Family Code), and regarding the primacy of the father when the parents disagree on the choice of a child's last name. That primacy is derived from article 444 of the Code, which stipulates that:

> the husband is the head of the household. He has a duty to protect his wife, and she has a duty to obey her husband.

This provision does not necessarily reflect the real situation within the married couple.

It is also important to note the continued impact of customs and attitudes on the life of the couple - particularly in rural areas - regarding both consent to marriage and the life of a woman whose husband has died (a widow is often stripped of all her property by the husband's family). Also, the exercise of parental authority by women is still restricted as a result of their ignorance.

As a result of the many prejudices left over from the past, the vexations and humiliations which they still suffer within marriage, and the mercenary nature of the dowry, which is an essential condition for marriage, married women still have an inferiority complex in relation to their male partners.

All the legal provisions which contravene the spirit of the Convention should be reviewed, and replaced by the mutual consent of spouses as the fundamental principle of marriage.

4. The Penal Code

On the whole, there is no discrimination in this area; penalties are imposed on men and on women without distinction.

However, there is still a problem concerning the offence of adultery; in its definition of this offence, the Penal Code is more severe towards women than towards men. Article 3 of the complementary provisions states that:

> A woman convicted of adultery shall be sentenced to penal servitude for at least one year and/or a fine of 100,000.
>
> A husband convicted of adultery shall be subject to the same penalties if the circumstances are such as to make it a particularly grave offence against the wife.

This provision of the Penal Code, which reproduces the terms of article 467 of the Family Code, does not give equal rights to the two spouses; while a wife's adultery is punishable in all cases, the husband's is reprehensible only if the circumstances are such as to make it a particularly grave injury, and that is left to the appreciation of the judge.

The justification is probably that the wife is the pillar of the family and must therefore embody the moral values of society. However, this provision, which implicitly permits infidelity by the husband, conflicts not only with the principle of equality contained in article 11 of the Constitutional Transition Act, but also with article 459 of the Family Code, which imposes a duty of mutual fidelity on both spouses. It is also contrary to the spirit of article 16 of the Convention.

The other provisions of the Penal Code punish offences tending to undermine the dignity of women, such as incitement to immoral behaviour (articles 172-174 of the Penal Code, volume II), rape (articles 170 and 171), procuring (article 174 bis), indecent assault (articles 167 and 168), and abortion (article 165). It should be noted that, despite these provisions designed to protect the dignity of women, their proper implementation is still obstructed, inter alia, because of laxness in the application of penalties.

Attention should also be drawn to the age of consent for girls, which is set at 14 years (article 422 of the Family Code). This provision does not provide adequate protection for young girls who, at 14, are not yet hardened against worldly influences. This is why it is felt that it should be raised to 16 years.

5. The Labour Code

Article 1 of the Labour Code specifies that it is applicable to all Zairians, regardless of gender; article 72 calls for "equal pay for equal work and equal ability". It also provides for equal access to vocational training, professional reorientation, refresher courses and advancement. It protects women against night work and work in insalubrious or arduous conditions.

Pregnant women are entitled to maternity leave totalling 14 consecutive weeks, consisting of eight weeks before the birth and six weeks thereafter, while remaining entitled to two thirds of their salaries. Nursing mothers are entitled to two half-hour breaks per day for breastfeeding. These provisions, which comply with the spirit of article 11 of the Convention, are contradicted by others which contain certain constraints for married women (arising out of their legal incompetence), and thus contravene the spirit of article 11 of the Convention.

Article 3 (c) of the Code states that a married woman may enter employment unless her husband expressly opposes it. This provision is incorrectly applied by employers, who demand the husband's authorization before the wife can sign the employment contract. Also, a married woman who is employed is denied family allowances and cannot obtain health care through her husband's employer.

Discrimination also continues to exist in respect of pensions for persons who have been widowed, since the Code does not entitle a man to such a pension when his wife is deceased.

6. Regulations governing State employees

Act No. 81-003 of 17 July 1981, which lays down the regulations governing State employees, is a progressive act containing no discriminatory provisions on grounds of gender in respect of recruitment, remuneration, promotion or other benefits.

However, article 25 of the Act denies women officials the right to take time off for rest and recuperation if they have already taken maternity leave during the same year.

This article thus entirely fails to recognize women's social function as mothers, and contravenes article 5 of the Convention.

7. The Property Act

Act No. 73-021 of 20 July 1973, which lays down the regulations governing general property, land tenure real estate, and securities, together with the additions and amendments which have been made to date, gives the State exclusive ownership of the land and subsoil. The right to land concessions is given to men and women without distinction; but the influence of traditional attitudes and customs in this area is still strong, and in rural areas it is still inconceivable for a woman to claim her right to hold land.

8. The Political Parties Act[10]

Article 3 of this Act stipulates that, in their creation, organization and functioning, political parties shall not establish any discrimination on grounds of race, ethnic origin, religion, gender, sect, language, or any other discriminatory criterion. This legal text is therefore in line with the spirit of article 7 of the Convention.

III. ACTIONS AND MEASURES TO IMPLEMENT THE CONVENTION AND OBSTACLES TO ITS IMPLEMENTATION

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

(For articles 5, 6, 7, 8, 9 and 10, see pp. 25, 27, 28, 30 and 31.)

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

This section will describe actions, measures and obstacles in the following areas:

1. Employment

1.1. Special working conditions for women

In addition to the texts contained in the Labour Code (see II.5 above), several other measures to protect women have been implemented in the area of employment. These include Ministerial Order No. 68/13 of 17 May 1968, a measure implementing the Labour Code, which regulates the working conditions of women in the following areas:

- working hours: the general principle is that women's effective working hours cannot exceed eight hours per day or 48 hours per week, and when the effective working hours exceed four hours per day, one or more rest periods must be provided, of a total duration of no less than one hour per day.

Exceptions to this general principle are possible, but in very well-defined circumstances described in the Order.

- night work: women may not, regardless of age, be employed at night for manufacturing work in industrial enterprises (mines, quarries, shipbuilding, civil engineering etc.). As for non-industrial enterprises which, by their nature, have a normal nocturnal activity (shops, department stores ...), exceptions are provided for.

- work for which women may not be employed: the Order prohibits using women to carry loads by hand on a regular basis (except for the harvesting of crops, leaves and fruit) and sets out the maximum loads that women may pull, push or carry. The same Order prohibits employing women in dangerous or insalubrious work such as underground work in mines or quarries, manufacturing explosives, industrial painting work, and outdoor shop displays after 8 p.m.

- employment of pregnant women: the Labour Code regulates the employment of pregnant women (articles 111, 112 and 115). However, this Order prohibits using pregnant women to carry, push or pull any load.

This prohibition continues for the first four weeks when they resume work after childbirth.

- areas reserved for women: this order obliges employers to provide women with separate areas for washing, toilets and cloakrooms.

1.2. Capacity of married women to enter into employment contracts

A worker is defined under the Labour Code as any individual, without distinction as to age, gender or nationality, who has undertaken, within the framework of an employment contract, to work for a consideration under the supervision of an individual or a body corporate, whether private or public (article 4). Thus, since article 3 (c) provides that "a married woman may legally accept an employment contract unless her husband objects", it seems that

a married woman has the legal capacity to enter into an employment contract. However, in practice, employers require a married woman to submit an authorization from her husband before hiring her, arguing that they wish to protect themselves against any capricious behaviour on the husband's part.

1.3. Benefits from the employment contract

Article 72 of the Labour Code, which provides

"that there shall be equal pay for all workers - irrespective of their origin, gender and age - for equal work, qualifications and productivity"

confirms the Code's non-discriminatory nature. However, married women who work are not entitled to social benefits: family allowances, health care and housing allowances. Lawmakers justify this practice, which has no legal basis, by arguing that it is not fair to pay family allowances twice for the same children.

Such practice not only places women in an inferior position, but also appears to overlook the fact that employment contracts are individual. Moreover, it is implicitly unfair to such children who are deprived of the care of both mother and father, both of whom work. Although a married women is entitled to receive all the social benefits upon presentation of evidence that she earns more than her spouse, no woman takes advantage of this entitlement because of society's attitude that it would be humiliating to publicly admit that the family head earns less than his wife.

To do so might well jeopardize the harmony of the couple. As a result, many married women declare at their workplace that they are "single".

1.4. Other rights guaranteed by the Labour Code

- The right to bring salary discrimination cases before the labour inspectorate.

No woman has yet sued on these grounds. This shows how ignorant women are of their rights and how resigned they are to their fate.

- Right to employment, promotion and training.

Although the Labour Code grants women equality in these areas, women, whether single or married, are disadvantaged when compared to their male colleagues because of social attitudes and because motherhood is not considered a social function. Pregnant women are denied employment.

1.5. Other considerations regarding employment

- Sexual harassment: sexual harassment does occur at the workplace, albeit clandestinely, and is much more widespread than is generally believed to be the case. Sexual harassment (which is commonly referred to as the employer's right) is usually directed at women seeking employment and those applying for promotion.

It is punishable under the law as a form of rape. But, as in cases of rape, the victims are reluctant to report it.

- Women and professions: for a variety of reasons, including the fact that, during the colonial period and the first few years of independence, girls' education was limited to some very basic training and that people tended to look on women who worked as being of easy virtue or unsubmissive, working women have long been relegated to minor positions and have had little prospects of promotion.

At present, since the law authorizes Zairian women to work and the backward mentalities are gradually changing as a result of education, a variety of professions are opening their doors to women and offering them positions at all levels; however, the ratio of women to men remains very low.

The Bank of Zaire's[11] statistics show that:

- Out of a total of 3,368 officials, 693 are women, namely 20.5 per cent and

- Out of 1,495 executives (including 61 senior executives), 302 are women (including 2 senior executives).

- Shortage of day care: this constitutes an impediment to the advancement of women who are breastfeeding their babies, as they often have to be away from work.

- Although the aim of the obligation for the married woman to follow her husband wherever he sees it fit to reside is to ensure the cohesion of the couple and the family, it implicitly undervalues the work of the woman, who may sometimes hold a position that is more important for the family's survival than that of her husband.

- Survivor's benefit: it should be emphasized here that, whereas a woman whose husband dies is entitled to a survivor's benefit, a man whose wife dies is not.

- It therefore appears that in the field of employment, benefits flowing from an employment contract are not enjoyed equally by men and women. More needs to be done to ensure that article 11 of the Convention on the Elimination of All Forms of Discrimination against Women is fully applied.

2. Cultural and traditional practices

> Article 5
>
> States Parties shall take all appropriate measures:
>
> (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
>
> (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Cultural and traditional practices exert a particularly heavy influence on Zairian women. Such influence starts from birth, as girls grow up believing that they are inferior to boys. The following are some of the attitudes and practices that degrade women:

- Traditionally the birth of a boy was the occasion for rejoicing, while that of a girl was greeted with indifference or even scorn, especially if it was yet another girl (in certain tribes). The underlying idea is that a boy can help his parents later on, but a girl cannot.

- Food taboos: women are not allowed to eat certain foods (perhaps because they are delicious) since they are not the equals of men.

- Commensal separation:[12] a woman is still treated as an inferior in certain societies by the fact that she cannot eat in her husband's company or in that of other men; sometimes she is entitled only to her husband's leftovers.

- Hospitality for visiting males.[13] A girl or woman had to be groomed and made available for the pleasure of an influential male visitor to the village; it was a common practice until quite recently.

- Female circumcision, which consists of cutting off part of a woman's genitals, diminishes her personality. She no longer has the right to enjoy sexual intercourse since she is only supposed to cater to the man's sexual pleasure.

- The levirate: this custom, which gives a man the right to marry his brother's widow and to raise his children, does not give the woman any freedom of choice and in fact assimilates her to the deceased's other assets.[14]

- Arranged marriages (KITWIL) among the Yansi, mainly in the Bandundu area, is a disguised form of forced marriage where a girl automatically becomes her grandfather's wife; he may thus be able to give her away to one of his nephews, whether or not the latter is already married. This practice violates the girl's right to consent to marriage.

- The dowry: this practice, which consists of giving a gift or several gifts to a girl's family as proof of marriage, is now sometimes seen as a source of profit and as a means of "selling" a girl to the man who "buys her".

- The saying "mukaji mbuji wa kuswikila pa bwipi"[15] means in the language of the people of Eastern Kasai province, that a woman is a goat that must be tethered within easy reach of the home. This view does not accept the fact of women working in offices or undertaking missions far from home.

- The influence of families: the Family Code recognizes two concepts of the family, the nuclear family and the extended family. It is especially the latter that makes a wife's life miserable.

- Religious practices: certain practices use religion to take advantage of a woman's "gullibility"; the woman may become impoverished as a result, abandon her family and sacrifice herself for such religion.

All these practices and attitudes, which still exist today in both the rural and urban areas, have a considerable impact on the status of women and on the behaviour of men and women within the family and in society.

They have strengthened the principle of the legal incapacity of married women which is still in force in our country, and form the basis for the dissemination by the mass media (radio, television, video ...) today of the stereotyped roles of women. It should also be noted that the mass media still depict women as objects of pleasure and of attraction for advertising. Such practices and attitudes are therefore contrary to the spirit of article 5 of the Convention. The following positive actions are worth highlighting:

The Constitution and other statutes that establish equality between men and women, as well as some studies carried out in that field and awareness-raising campaigns organized by the Ministry for the Status of Women and the Family in order to explain and promote the role of women within the family and in society.[16] However, these campaigns have proved to be insufficient. Men and women alike must really be made aware of this problem; at the same time, a serious campaign must be waged through the official news media to bring about a change in mentality.

In addition, certain traditional practices and attitudes that reassert the role of women and help them to be complementary to men, such as the notion that women are the givers of life and guardians of ancestral values, and that they transmit wisdom from generation to generation should be highlighted and propagated.

3. Traffic in and prostitution of women

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

If prostitution is defined as "the engagement by a woman in habitual, regular and repeated sexual intercourse with anyone on a first-come first-served basis, without any discrimination whatsoever, mainly for money and not for pleasure"[17] or as "the offering by a woman of her body as a plaything to those who desire it, for payment"[18], then it could be stated that prostitution exists in Zaire as it does elsewhere in the world. The distinctive feature of Zairian prostitutes is that they are mainly unemployed young women who did not complete their schooling, divorced women, widows, fiancees who have been repeatedly jilted and even students.

These are persons who often act alone without any procurers but sometimes operate in concert with clandestine procurers or procuresses responsible for procuring girls or women from specific social classes for men of a certain class. The causes of prostitution include:

1. Poverty and the struggle for survival;

2. The low level of education;

3. Dropping out of school;

4. Rural-urban migration;

5. A love of luxury items.

In this area, it should be noted that the absence of mandatory laws banning prostitution, the proliferation of brothels or of rooms used by prostitutes, are factors that help to propagate this scourge which, moreover, has an adverse impact on health (spread of diseases) as well as having social (family instability) and psychological consequences (prostitutes are held in contempt). Indeed, article 174 bis of the Zairian Civil Code refers to procurers (although there are hardly any in Zaire), but remains silent about prostitution itself.

Although some studies have been conducted on prostitution and measures were taken in the past by the public services, particularly with respect to mandatory medical check-ups for prostitutes - measures which are now ineffective - the situation of prostitutes leaves much to be desired. There are practically no rehabilitation, training and information programmes in this area.

However, the efforts of the Central Coordination Office for the fight against AIDS (BCC/SIDA), which is doing its best to monitor prostitutes and to supply them with materials (condoms) in order to protect them against sexually transmitted diseases and AIDS, are worth mentioning. These efforts have come up against some psychological difficulties, largely the result of a view that is sometimes expressed among prostitutes, namely, that AIDS affects only the unlucky.

Given the lack of reliable statistics in this area, it would seem that the authorities need to focus special attention on prostitutes, because they have been left pretty much to their own devices.

4. Political and public life

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

As indicated earlier, the Constitutional Transition Act and all earlier constitutions promulgated since 1964, grant political rights to Zairian women.

Today, women are electors and eligible. Moreover, the Political Parties Act has opened every door to them. Accordingly, women have become increasingly aware of the political and public role that they are expected to play in society and they now hold positions, alongside men, in all the administrative and political structures of our country (the office of the President, Parliament, Government, territorial government ...). However, they are represented in very small numbers and, in the nation's decision-making bodies, there are no women.

Obstacles to the advancement of women in the political and public spheres include the following:

1. The effect of attitudes that do not yet see women as being capable of managing public affairs. Such attitudes are sometimes fuelled and perpetuated by women themselves.

2. The lack of solidarity among women. Women's lack of confidence in other women has been noted mainly with respect to elective posts.

3. The maintenance of discriminatory legal provisions specifically, the provision establishing the legal incapacity of married women.

4. Women's ignorance of their own rights and their low level of education.

The following statistics amply demonstrate how few women there are in all spheres of national life.

Bodies	No. of women	No. of men
Government		
Prime Minister	0	1
Deputy Prime Minister	0	4
Minister	2	22
Deputy Minister	0	18
Parliament		
HCR-PT	38	699
Territorial government		
Governor	0	11
Deputy Governor	1	11
Public enterprises		
Chairman and Managing Director	0	40
Deputy Managing Director	1	48
Diplomatic service	1	63
Magistrature	85	1 215
Political parties	8	392
Commission on Zairian law reform	4	28

Representation of women in the country's public and political life (June 1996)[19]

The situation is not much different in the army where there are no female generals, 1 female colonel, 3 female lieutenant-colonels and 3 female majors.

It should be noted that there has hardly been any change in this situation since 1985. Therefore, in order to conform strictly to the spirit of article 7 of the Convention, which recommends that States should ensure that women are on equal terms with men, Zairian women will have to fight prejudice, customs, ignorance, lack of information and the lack of solidarity among women.

Furthermore, the Zairian State must create favourable conditions to help address and reduce the shortcomings noted.

5. Representation and participation at the international level

> Article 8
>
> States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.
>
> Article 9
>
> 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
>
> 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

From 1986 to date, there have not been any remarkable changes as far as the representation and participation of women at the international level is concerned.

The number of women in various administrative and other positions still remains much smaller than that of men. For example, the Ministry of Foreign Affairs has a total staff of 393 (all departments and grades considered) including 97 women[20] (see table below); 17 per cent of the women are university graduates and hold positions of responsibility: Director, Chief of Division and Office Chief. The rest, or 83 per cent, have a lower level of education and very few of them hold managerial positions. Thirty-nine out of 204 diplomatic posts, or 14 per cent, are held by women.

Zaire has only one female representative to foreign Governments or international organizations. Although some women did participate in international conferences, these were mostly conferences dealing with women's issues. However, the right of women to represent the country at the international level, to participate in international meetings and to work in

international organizations is guaranteed by the Constitutional Transition Act. It has been noted that unless it is specified that a female should be hired, it is usually a man who is hired to the detriment of female candidates. Married women not only have to obtain their husband's authorization but also have to deal with the mentality that does not accept the fact that married women can work and live far from their husbands.

Therefore, much still remains to be done in this field. This state of affairs constitutes an obstacle to the advancement of women and is contrary to the spirit of article 8 of the Convention.

6. Nationality

See the legal texts, chapter II - 2.

7. Education

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on the basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Zaire's current system of education, a combination of the old and new systems, is the outcome of the general conference on education held in Kinshasa from 20 to 29 January 1996 as part of the democratization of our country's political system aimed at reflecting the culture of the third millennium.

As far as girls (women) are concerned, note should first be taken of:

1. Articles 20 and 21 of the above-mentioned Constitutional Transition Act which provide that education is a right for all children, irrespective of their gender.

2. Articles 5 and 9 of framework law No. 86-005 of 22 September 1986 also guarantee equal opportunities for boys and girls with respect to access to education.

3. The six strategies advocated by the general conference on education, include education for all and education with human and moral values, which specifically concern women.

Indeed, as a philosophy on education, education for all recognizes the right of every individual, without discrimination as to race, sex, age or social class, to have access to education and training to meet his or her basic educational needs.[21]

This new system puts a special emphasis on the education of girls, women and the disadvantaged because it aims at reducing the school drop-out rate and either including drop-outs in existing educational structures or creating other specific structures that are better suited to each category.[22]

However, despite all these measures, what happens in reality is quite different. Despite the fact that overall school enrolment is rising steadily and that there are no stereotyped curricula, the school drop-out rate among girls is higher than among boys at the primary as well as secondary levels. In 1995, about 14 per cent of Zairian children between the ages of 10 and 14 had never attended school. The proportions were 10 per cent of boys and 17.8 per cent of girls in that age group.[23]

The reasons why girls drop out of school are social, cultural as well as economic: taboos, early marriage, household chores, loss of purchasing power and the priority given to boys ...

For example, it was noted that a father of five, three of whom are girls, living in the rural area, was willing to sell maize in order to pay the boys' school fees as a matter of priority, because the girls are groomed for marriage.

The enrolment ratio (net enrolment ratio = ratio of number of pupils aged between 6 and 14 years to the total number of children aged between 6 and 14 years) varies according to regions, areas or gender.

Net enrolment ratio by gender and residence[24] (as a %) - 1994-1995

Area	Boys	Girls
Urban	77.1	76.5
Rural	57.0	45.7

The above table indicates that in 1995, in the country as a whole, there was only a slight difference between the enrolment of boys (77.1 per cent) and that of girls (76.5 per cent) in the urban area.

On the other hand, gender disparities in the rural area were quite pronounced (57 per cent boys as compared to 45.7 per cent girls).

Hardly any scholarships, subsidies or grants were given specifically to girls or women, apart from a few cases concerning special studies financed by private organizations or charities.

In the area of books and reading,

- A scholarship for training in documentation was available in 1986/87.

- The sum of $10,000 was granted for a survey of 600 women and girls in Kinshasa, to determine what prevents women from reading.[25]

It is worth noting that institutions traditionally reserved for boys (such as technical and industrial schools) have become more generally open to girls, and vice versa for boys in such areas as dressmaking and hotel management. There are a few female civil and structural engineers and carpenters, but their numbers are almost negligible.

It will be necessary to continue to challenge social stereotypes in this area, as much for girls as for boys.

With regard to female illiteracy, the majority of Zairian women remain illiterate. The following table provides an assessment as at 1995:

Illiteracy rates in Zaire in 1995[28]

	Men	Women
Urban areas:	3.7 per cent	12.5 per cent
Rural areas:	23.8 per cent	60.0 per cent

As can be seen from this table, the rate for rural women is almost five times that for urban women.

According to a national survey on the situation of children and women in Zaire carried out by the Ministry of Planning in 1995, the overall national illiteracy rate for men was 17.5 per cent, while that for women was 46 per cent.

Among the few programmes specifically designed for girls who have dropped out of school, we note:

1. The "Mama Mobutu Institute", in Kinshasa, with extensions in Mbandaka (Equateur) and Kisangani (Haut-Zaire). This Institute comprises dressmaking, practical and administrative secretarial skills, sales clerking and reading and writing sections, along with technical and social and family sections. During the 1993-1994 academic year, it had 1,322 registered students; 13 of 19 students in the technical section received diplomas at the end of that year.

2. A life-education programme introduced at the primary and secondary educational levels, as well as the efforts of churches.

Thus despite the existence of measures and endeavours to encourage young girls and boys to study, the situation of young girls is far from what it should be. A major effort must still be made in this area, not only for girls and women, but also in general, in view of the clear need to build new schools, adapt training programmes to national needs, and support informal networks concerned with perfecting the training of young people and of girls in particular.

Taking measures - no matter how good they may be - will not suffice; such measures must be backed by concrete actions demonstrating the political will to crush all discrimination and to improve the study conditions of students and the living conditions of teachers, especially in this transitional period of declining teaching quality and school attendance, as well as of failure to recognize the importance of the teacher's function (the level of remuneration is so low that many are abandoning that noble profession). The implementation of article 10 of the Convention is still encountering some difficulties.

8. Health

Article 12

1. States Parties shall take appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 12 of the Convention calls upon States Parties to take all appropriate measures to eliminate discrimination against women in the field of health care, and to provide appropriate services in connection with pregnancy, confinement and the post-natal period.

It should be noted at the outset that public health in Zaire is faced with countless problems, as evidenced by the resurgence of numerous illnesses and epidemics.

The lack of potable water, poor public sanitation (pollution, refuse, clogged drainage networks), promiscuity, inadequate hospital infrastructure and medicine supplies, as well as poverty are some of the reasons for the poor health of the population.

Women are particularly vulnerable to these conditions. Their situation is even more serious, despite the fact that their right to health care is guaranteed in the Constitutional Transition Act. The precariousness of their health results from numerous factors, such as ignorance due to low rates of education, overwork and economic dependence on men.

The maternal mortality rate is ±870 deaths per 100,000 live births, and life expectancy for women is 53.4 years.[27]

The principal causes of mortality and morbidity in women are malnutrition, infectious diseases (malaria, respiratory infections, sexually transmitted diseases and AIDS), cancers of the breast and uterus, multiple closely spaced pregnancies sometimes ending in abortion and post-partum haemorrhage, diabetes, high blood pressure and heart disease.

Women account for 40 per cent of AIDS cases worldwide; in Zaire, women with AIDS are often considered to be reservoirs of infections, representing as much of a threat to men as to their unborn babies, hence they are often rejected by their families or husbands. Attention should be drawn to the work of the Central Coordination Office for the fight against AIDS (BCC/SIDA), which

organizes awareness campaigns, provides appropriate care for those infected, and disseminates information on ways of reducing the risk of contracting the disease (use of condoms, for example) and to the consciousness-raising efforts and work of the group "Femme Plus", comprised of women who are HIV positive.

- In the area of health care, each of the major hospital centres offers services for which the majority of clients are women, such as obstetrics and gynaecology, prenatal care and family planning.

- With regard to family planning, which is one of the services provided in health centres, the following should be kept in mind:

  1. The use of contraceptives goes against custom, traditional mentalities and religious beliefs, whereby a child is viewed as a gift from God, whose arrival should not be impeded by any means. In fact, only 8 per cent of women practise family planning.

  2. A married woman must submit to her husband's wishes and must obtain his permission before using contraceptive methods.

  3. There is a flagrant contradiction between Ordinance 73/089 of 14 February 1979 which created a national council on planned births and article 178 of the Zairian Penal Code which forbids the sale, distribution or display of any contraceptive methods.

- While there are female medical and paramedical personnel in almost all the health care services, they are still outnumbered by men. The total number of such female personnel is likely to increase in the future, given the large number of girls enrolled in medical training institutions and the growing number of medical schools.

Measures and actions already taken to improve the health of the population in general and of women in particular include:

1. A primary health-care policy which has led to the creation of 306 health zones,[28] 22 of which are located in Kinshasa. Only two of these are directed by four women. This system was intended to allow the population to participate in health activities and to guarantee financial access to care.

2. The SANRU rural health project, intended to create 50 new health-care zones and train midwives and health-care workers.

3. The Expanded Programme on Immunization (EPI).

4. The Centre for Human Nutrition Planning which seeks to improve nutritional conditions for children up to age 5 as well as for pregnant women and nursing mothers.

5. The desirable birth services project, now called the "National Programme on Planned Births" (PND).

6. The Central Coordination Office for the fight against AIDS (BCC/SIDA) noted above.

7. The Centre for Family Life Education.

8. The National Committee on Genetic Health, established in March 1994.

9. Actions undertaken by churches and other private projects.

All these efforts have been somewhat compromised by the decay of the fabric of public health during the transition. A great deal of work therefore needs to be done in this area.

9. The economy

> Article 13
>
> States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:
>
> (a) The right to family benefits;
>
> (b) The right to bank loans, mortgages and other forms of financial credit;
>
> (c) The right to participate in recreational activities, sports and all aspects of cultural life.

9.1. Agricultural sector

In Zaire, more than 70 per cent of the women residing primarily in rural areas work in the agricultural sector. They take part in all tasks, clearing fields, ploughing, sowing and weeding and also harvesting.

They also are responsible for transporting and marketing or processing the crops. Eighty per cent of farm produce sales are made by women entrepreneurs.

Women also raise poultry, hogs and goats, using the meat and eggs to feed their families. Despite all their work, which takes up a lot of time and energy, women do not get the results one would expect.

According to a study on the decision-making role of farming women in the production of cassava in Bandundu,[29] such women had a very low level of productivity in terms of the quantity of cassava harvested per hectare; 70 per cent of farm women produced less than 2 tons of cassava per hectare, while the world average is around 9 tons per hectare.

Limitations on women's productivity and ability to market their produce are due largely to:

1. Continued use of primitive agricultural techniques, relying on hoes, hatchets, spades and machetes.

2. Difficulty of access to land and to production necessities such as ploughing implements.

3. Difficulty of access to credit.

4. Ignorance regarding the environment and ecosystems, especially concerning erosion, crop diseases and pests.

5. Difficulty of access to health care.

6. Manual processing of food products.

7. Lack of rest or leisure time.

8. Transport difficulties due to poor condition of the country roads.

A few, very inadequate attempts have been made to improve living and working conditions for farm women. These include:

1. Projects undertaken by the Ministry for the Status of Women and the Family (now the Family Division within the Ministry of Public Health and the Family):

   - The Association of Peasant Women of Manenga.[10]

   - A project to disseminate appropriate technologies.

   - A "Women and Development" project under which women's centres are set up in rural areas and women's clubs are established in urban areas.[11] In addition women are taught how to smoke and dry fish, along with other processing methods.

   - Establishment of associations for rural women and for women market gardeners.

2. The work of the National Agricultural Extension Service (SNVA) and that of the Ministry of Agriculture and Rural Development involving pumps to supply potable water.

The SNVA provides a great deal of information and technical support to rural women (see chapter 10: Rural women).

9.2. Commerce

Zairian women excel at commercial activities. The great majority (80 per cent) of women shopkeepers are to be found in the farm-produce sector.

Married women are somewhat limited in their right to engage in commerce, because they need the permission of their husbands to do so. Other factors limiting the exercise of this right include:

1. Ignorance of the importance of proper commercial record-keeping.

2. Ignorance of basic accounting concepts.

3. Lack of information on basic commercial procedures.

4. Difficulty of access to credit due to lack of references and exorbitant interest rates. In this regard, given the difficulties of access to commercial-bank credit, women prefer to use savings and credit cooperatives that can finance their small-scale commerce in food products (oil, fish, corn, cassava, rice, beans and sugar). In 1993, 39 women obtained loans of between $100 and $500, at an interest rate of 10 per cent per month.

But the great majority of women resort to the grass-roots savings and credit cooperatives known as likelemba, which unfortunately are not protected by law.

5. Psychological or cultural attitudes that discourage the exercise of this right.

Some measures have been undertaken by the Ministry for the Status of Women and the Family to alleviate, even if only a little, the difficulties faced by women shopkeepers. These measures include:

1. Bringing them into the Association of Women Shopkeepers of Zaire (AFECOZA), which numbers many businesswomen among its members.

2. Organizing seminars on basic accounting concepts for their benefit.

However, these measures have not noticeably improved the situation of women shopkeepers.

9.3. Feminine entrepreneurship

Among the results of the awakening of women to awareness of their role in the economy, combined with the difficult economic conditions faced by the country, has been the emergence of feminine entrepreneurship as an income source for women.

Women can be found running informal restaurants, dressmaking workshops and hairdressing salons, soap-processing concerns, fish-salting enterprises, charcoal-manufacturing operations, confectioneries and even carpentry businesses. The informal sector represents more than 80 per cent of the enterprises and income-generating activities undertaken by women.

The existence and varied activities of the Association of Women Entrepreneurs of Zaire (ASSOFE) should be noted. This recently formed

association is contributing to the improvement of the skills of its members through technical training programmes and information about entrepreneurship.

Moreover, the National Association of Entrepreneurs of Zaire (ANEZA) and the international business associations have fewer than five women members. Barriers such as the lack of credit should again be emphasized here. Afcred, a Canadian credit project set up in Zaire from 1986 to 1987, has closed its doors. It is thus essential that a support fund for feminine entrepreneurship should be installed in all savings and credit cooperatives.

9.4. Housewives

The work of housekeeping undertaken by women merits particular attention because the housewife, regardless of whether or not she has children, or whether she is married or single, accomplishes enormous tasks which contribute not only to the development of the family, but also and above all to the improvement of the national economy.

All people, whether working in the structural sector or not, depend on the fruits of the housewife's labour to maintain good health and to contribute to the nation's development. However, there is a certain degree of discrimination against housewives, as reflected in the fact that the spousal allowance is negligible. For example, if a civil servant's salary is 65,000 new zaires (NZ), the spouse is entitled to 5,000 NZ;[1] this is clear evidence that a housewife's work is undervalued. The important work done by the wife in the household should be taken into account in the husband's salary.

This analysis of the situation of women in the economic domain illustrates the extent to which inequalities persist in that area.

As there are virtually no women in the organs that formulate economic and development policy, these insufficiencies are likely to persist. Including women in decision-making, organizing farm women into cooperatives, facilitating their access to credit, disseminating information on appropriate technologies, and strengthening structures for the improvement of the living conditions of rural women are all measures that should be taken in order to live up to the spirit of article 14 of the Convention.

10. Rural women

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 14 of the Convention devotes particular attention to rural women, in view of the important economic role they play in the nation. It requires States Parties to take all measures to ensure rural women's equality with men, their access to health care, information and credit services, and their participation in the elaboration and implementation of development planning at all levels. In Zaire, it is thanks to rural women that the capital and other

urban centres receive supplies of agricultural products. They play an important role in the economy of the country. Nevertheless, their situation remains unsatisfactory, especially in comparison with men. They are confronted with a host of difficulties, since:

- They do not own land;
- They live far from health-care centres and are obliged to travel long distances by foot;
- They have no leisure time;
- They lack accessible technologies to improve their output;
- They have no access to credit;
- They rarely take part in community meetings;
- They lack information in the field;
- They lack adequate supplies of seeds;
- They have difficulties obtaining material supplies and preserving crops.

Work traditionally done by rural women includes:[14]

- Looking after the home;
- Preparing meals;
- Working in the fields frequently while carrying a child on their backs;
- Pounding roots and grains, gathering the crops, fishing, basket-weaving, pottery-making;
- Caring for children.

Some of the measures which have been or are being undertaken on behalf of rural women include:

1. The National Agricultural Extension Service (SNVA), which provides support for farm women's organizations. To date, 2,428 extension workers have been trained and are at work in the system. The service provides information and training on agricultural and forestry conservation practices and the use of natural fertilizers such as manure and green manure, and also provides seeds and financing for small-scale projects. Around 340,000 farmers, 46 per cent of whom are women, are members of contact groups[15]. It has already reached some 17,160 contact groups, including 1,102 rural women's organizations; there are 170 women's associations specializing in product processing

and preservation which are carrying out 45 projects (23 soap-making mini-projects, 8 for palm-oil production, 8 for soya flour, 2 for jam and 4 for tomato paste).

A periodical called "Le vulgarisateur" provides information on all topics that could be useful for improving the living conditions of farmers, the majority of whom are women.

2. Appropriate-technology and "Women in Development" projects, with their women's centres and women's clubs, frequent seminars and information campaigns contributing to raising the living standards of rural women.

3. A Ministry for the Status of Women and the Family project to set up mills for grinding manioc and corn in Nord Shaba province.

4. Social advancement centres set up by the Ministry of Social Affairs.

5. A project of the Ministry of Agriculture and Rural Development involving pumps to supply potable water.

6. The primary health-care policy which has led to the creation of 306 health zones around the Republic, and the SANRU rural health project, which have notably improved health conditions in rural areas.

7. The emergence of mutual aid groups and associations of rural women.

The majority of these projects are encountering difficulties due to the social and economic situation currently affecting Zaire. It should also be kept in mind that the influence of customs like those described above remains strong in rural areas, and that rural women have no choice but to conform to them.

11. Family life

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Women's rights with regard to marriage, including engagement; consent to marry; minimum age; acquisition, management and disposal of property; adoption; divorce and custody of children; the children's names; and inheritances, have been dealt with in section II (3) of this study.

Despite the fact that women are guaranteed all these rights, however, it should be noted that the reality is generally otherwise, owing to deep-rooted stereotyped ideas about woman's role as housewife and homemaker. These ideas prevent women from realizing their full potential in the home, from pursuing a professional career and from taking part in important decisions together with their husbands. Most women, moreover, are not aware that they have all these rights. Women, in general, are resigned and defer to decisions taken unilateral by men.

In addition, the more exorbitant the dowry - which is a prerequisite for marriage - the more the man tends to consider the woman as his property or his child. A number of women are still subjected to humiliation and torment of all kinds, including being struck and injured in their homes. While such acts are offences, and punishable if referred to a court of law, one rarely sees a woman take her husband to court when she must continue to live with him.

Although there are some exceptions, in most of our families, the relationship between man and woman is not one of true partnership or equality between two human beings but rather a relationship between superior and inferior, even when it comes to deciding the number of children.

The official matrimonial system is monogamy.[16] In Zaire, however, a phenomenon known as the "deuxième bureau" has developed, whereby a married man enjoys extramarital relationships with several women. The latter act as though they are - and consider themselves to be - genuine spouses; they even carry the identification cards of married women, including a photo of their "husband". This constitutes an offence of forgery and the use of forgeries, and is punishable under the Zairian penal code.

This practice places the woman in an inferior position because the man takes advantage of her ignorance to manipulate her, and creates all kinds of conflicts: children born in and out of wedlock, friction among the various families; destruction of solidarity among women.

Another reality that must be pointed out is the phenomenon of the female head of household. Thus, single women, with or without children, efficiently and confidently manage their households. These cases, brought about by, inter alia, widowhood, divorce and cohabitation, are increasingly common.

Breakdown of female heads of household by marital status in 1984 (national averages)[17]

Widows:	43.9 per cent
Divorced:	19.1 per cent
Married:	13.1 per cent
Single:	12.5 per cent
Cohabitation:	11.3 per cent
Miscellaneous:	0.1 per cent

We should note that the proportion of women with partners country-wide is currently 61.9 per cent, compared to 23.7 per cent who are single and 14.4 per cent who are divorced.[38]

We should also point out that levirate (custom whereby a man marries his brother's widow) is still practised in certain regions (Kasaï, Bandundu), as are arranged marriages (Kitwil in Bandundu).

In this aspect of family life, remarkable progress was made with the promulgation of the new Family Code in 1987. As stressed above, women are granted more rights under this Code than under the previous civil code.

Unfortunately, this new code has not been adequately disseminated and the number of copies published is insufficient to meet the market demand, which aggravates women's ignorance.

This code still leaves some problems unresolved and they have sparked discussion among women; they include the woman's status with respect to inheritance and the fact that all children (whether born in or out of wedlock or adopted) are included in the same category (it is believed that the mothers of children born out of wedlock maintain a strong influence over them and are a source of conflict with regard to the inheritance).

In conclusion, much remains to be done in order to ensure full respect for the provisions of article 16 of the Convention.

12. Violence against women

Zairian women, like those elsewhere in the world, are victims of various types of violence: physical, mental, psychological and religious.

Forms of physical violence include:[39]

- being struck or injured by a spouse;
- rape, particularly of little girls;
- sexually transmitted diseases;
- teenage pregnancy;
- abortion;
- genital mutilation still practised in our country.

Forms of mental and psychological violence include:

- the designation of women as inferior by men and by society;
- the husband's infidelity;
- the abuse of women in advertising;

- the sterility of the woman;

- sometimes, the imposition of celibacy;

- traditional ceremonies during the spouse's funeral;

- certain religious practices which play on the woman's sensitivity in order to steal her property. Certain women even relinquish their rights and neglect their marital duties in the name of religion.

The fact is that many women are victims of such violence, but the whole truth is not known because many of them prefer to remain silent.

The lack of statistics and studies in this area complicates the search for solutions to this problem.

13. The girl child

Girls between the ages of 5 and 19 years account for 35.4 per cent of the female population.[9] From childhood on, these Zairian girls are generally deprived in comparison to boys. They are considered socially inferior and are not given the same encouragement and the same social, economic and cultural opportunities as their brothers.

At the social level, in the field of education, despite the great efforts made by Zaire to guarantee equal opportunities for the two sexes (basic law on education), glaring cultural disparities have been observed in school enrolment, particularly in the rural areas. Although the number of boys enrolled in primary school is roughly equal to that of girls, the drop-out rate among girls is so much higher that the initial benefit is lost.

Teenage pregnancies and marriages, the inadequacy of recovery structures, impoverished parents, the girls' lack of a sense of reality, and backward prejudices towards them are among the main causes of girls' low level of education, which is reflected in a very high illiteracy rate.

At the economic level, Zairian girls, particularly in rural areas, are overburdened with numerous tasks, including:

- household chores;

- caring for younger children;

- working in the field;

- and other income-generating activities.

All of this curbs their development.

At the cultural level, it is regrettable that the media popularize obscene songs and images, including of scantily clad women, thereby helping to create a false ideal among girls, and that girls lack leisure activities.

Lastly, the age of consent, which, for girls, is 14 years, should be raised.

All this, coupled with the phenomenon of street children, commonly known as "phaseurs",[41] amply demonstrates that the Convention on the Rights of the Child, which our country has ratified, has not yet been tangibly implemented. The authorities should focus their attention steadily on the overall situation of children, and of girls in particular.

In short, an analysis of Zairian legislation and of the situation of Zairian women with respect to the Convention on the Elimination of All Forms of Discrimination against Women, leads to the conclusion that the Constitutional Transition Act grants Zairian women all the basic human rights and is thus consistent with the spirit of the Convention.

At the same time, it must be recognized that ratification of the Convention has not led to its full implementation, for a number of reasons:

- the translation of political will into reality is limited by the current economic difficulties;
- the fact that women are not aware of their rights;
- the persistence of traditional mentalities and practices;
- laxity in applying penalties;
- the ambiguity of some legislation;
- the contradiction between legislation and the Constitutional Transition Act, and between two pieces of legislation governing the same matter;
- the difficult socio-economic and political situation;
- the lack of awareness about the Convention at all levels;
- the passiveness of women, who assume the role of victims and are resigned.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

All this has made it somewhat difficult for Zaire to follow through steadily with the activities required under the Convention, even though under article 18 of the Convention, it has pledged, as have all the other States parties, to submit to the Secretary-General of the United Nations a report every four years on all the measures taken to give effect to the provisions of the Convention.

This situation leads us to formulate recommendations for the actors involved in the field of women's rights, namely:

1. The Zairian State

2. Non-governmental organizations and associations

3. Women

4. International organizations

IV. RECOMMENDATIONS

1. The Zairian State

1.1. As part of its legislative power, the State should abolish all discriminatory provisions in existing legislation and harmonize the various national legal texts in order to eliminate any contradictions.

It should draft more progressive laws aimed at ensuring equality between and respect for the rights of individuals.

1.2. The Government should take specific action in order to translate its political will into reality.

Thus, all commitments undertaken at the international level relating to the question of women should be honoured, including:

1.2.1. The commitment to implement the Convention without reservation by:

- supporting the various legal reform commissions (for example, the Commission on the Reform of Zairian Law);

- submitting periodic reports and participating in the annual sessions of the Committee on the Elimination of Discrimination against Women, which are held in New York;

- integrating the Convention's recommendations into the Government's national programme and establishing very specific goals and modalities through the national mechanism for the advancement of women;

1.2.2. The commitment to increase the number of women in all decision-making bodies to 30 per cent;

1.2.3. The commitment undertaken in Beijing, China, to raise the status of the national mechanism for the advancement of women to the highest level of government, namely, the ministerial level, in order to enable it to coordinate more effectively and to encourage all partners at the local level to participate in the government action;

1.2.4. The commitment to implement the Convention on the Rights of the Child in order to ensure the full development of the girl child, tomorrow's woman;

1.2.5. The Government shall ensure the dissemination of legislation and of the Convention to all sectors of the population. In order to be disseminated the Convention must first be translated into the country's four national languages. Means of dissemination will include seminars, lectures, radio and television broadcasts, drawings, short plays and theatre productions;

1.2.6. The Government shall ensure the establishment and rehabilitation of structures, and shall initiate and sustain actions aimed at changing mentalities through such means as grass-roots education, social centres and women's centres, rural radio, television and film;

1.2.7. In view of the fact that women's issues are multisectoral, it is essential to establish realistic development programmes in all fields, including health, education, employment and economics.

1.3. The courts and tribunals must enforce the law, mindful of the welfare of all.

1.4. The Government will not be able to carry out all these actions unless there is a sound political, social and economic environment. This presupposes a desire to put an end to the transition by organizing free and transparent elections which will give rise to stable institutions.

2. Non-governmental organizations and associations

The efforts of grass-roots non-governmental organizations and associations must be supported. However, the fragmentation of efforts, which diminishes the impact at the local level, is to be avoided. Non-governmental organizations and associations should promote mutual cooperation by establishing networks for the exchange of information and experience and getting involved in the national programme through cooperation with government services. It is important that non-governmental organizations and associations for women work together with those for men. The struggle for the advancement of women is part of the development of society and must include all partners in order to overcome the obstacles described above.

3. Women

The advancement of women in a society where traditional customs and mentalities persist is an ongoing task that requires the involvement of women themselves. Thus, Zairian women will have to organize in order constantly to remind the Government, through lobbies, informal networks and all other legal means, of the commitments it has undertaken at the national and international levels. Female leaders will serve as the driving force and the liaison. In this pre-election period, the effective participation of women in awareness-building and political training sessions will be essential.

4. International organizations

The support of international organizations, particularly at this time of deep economic crisis, is vitally necessary. Specific, reliable actions within the context of well-established programmes with clearly defined goals deserve special attention.

In conclusion, all partners - Governments, national and international organizations, churches, women and men must make a commitment to ensure that Zairian women and men will work together, hand in hand, for a harmonious society and a credible and prosperous country.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

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[12] Lwamba Katansi, "Le droit paradoxal ou la fin du sexe imbécile" (Paradoxical law or the end of the foolish sex).

[13] Lwamba Katansi: op. cit.

[14] "La culture et la tradition, obstacles normatifs à la promotion de la femme au Zaire" (Culture and tradition, normative obstacles to the advancement of women in Zaire), lecture by Mrs. Inzun Okomba in Le vulgarisateur (SNVA newsletter), No. 7.

[15] National report on the situation of women, June 1994, p. 47.

[16] Campaign entitled "Eduquer une femme, c'est éduquer une nation" (To educate a women is to educate a nation), Ministry on the Status of Women and the Family.

[17] Definition of J. C. Moncini, Prostitution et proxénétisme (Prostitution and procuring) (Ed. PUF, coll., "Que sais-je?", Paris 1972), p. 12.

[18] Kalubi Mundadi, Prostitution: phénomène socio-pathologique dans le centre urbain de Mbujimayi (Prostitution: sociopathological phenomenon in the urban centre of Mbujimayi), (dissertation for sociology degree, National University of Zaire, Lubumbashi campus, 1981), p. 11.

[19] Survey of institutions.

[20] Source: Ministry of Foreign Affairs.

[21] "Lignes d'action du nouveau système éducatif au Zaire" (Lines of action of the new educational system in Zaire), Zaire-Afrique, No. 304, p. 149.

[22] "Lignes d'action du nouveau système éducatif au Zaire" (Lines of action of the new educational system in Zaire), Zaire-Afrique, No. 304, p. 150.

[23] National survey on the situation of children and women in Zaire in 1995, Ministry of Planning, final report.

[24] Source: Ministry of Planning, op. cit.

[25] Source: UNESCO (1984-1994).

[26] Source: Literacy Department, Ministry of Social Affairs.

[27] The State of World Population 1996, United Nations Population Fund (UNFPA).

[28] Operational unit of the strategy for Primary Health Care, Ministry of Public Health.

[29] Mputela Mbongolo Ndundu, The role of women in making the decision to produce cassava in Bandundu (Zaire) thesis for the Master of Science degree (Southern Illinois University, September 1991, United States of America).

[30] Manenga: small village located about 25 kilometres from Kinshasa.

[31] There are four women's shelters: in Bikoro (Equateur), in Masimanimba (Bandundu), in Kindu (Maniema) and in Masina (Kinshasa).

[32] Source: COOCEC-CEAZ, support for the fund for female entrepreneurship, Kintambo/Kinshasa 1993.

[33] Source: Civil Service.

[34] "Le multiples tâches de la femme" (Women's many tasks), Le vulgarisateur, No. 7, April 1996, p. 15.

[35] "La 6ème année du Service National de Vulgarisation" (The sixth year of the National Dissemination Service), Le vulgarisateur, No. 7, April 1996, p. 17.

[36] Source: Family Code.

[37] Source: National Statistical Institute/Ministry of Planning, Scientific population census 1984; Profile of women.

[38] National survey on the situation of children and women in Zaire in 1995, Ministry of Planning, final report.

[39] "La femme, la société et l'église" (Women, society and the church), Mbengu, Dossiers jeunes, No. 37, Revue pastorale des jeunes (Bureau diocésain de catéchèse, B.P. 72, Lubumbashi).

[40] National Statistical Institute (INS), Scientific population census 1989, Profile of women in Zaire, Kinshasa, 1994, p. 6.

[41] There are 7,000 phaseurs in Kinshasa: Report of the Commission entitled "Women, the family and children" of CNS, Kinshasa, December 1992.

APPENDIX

A. Cooperation of experts

1. The Honourable Ange Lukiana Mufwa Nkolo, Conseiller de la République et Présidente de l'Union Nationale des Femmes (UNAF) (Adviser to the Government and President of the National Women's Union).

2. Miss Mireille Kamitatu, lawyer, executive of the Bank of Zaire.

3. Mrs. Annie Kenda, Director of Cooperation, Family Division/Ministry of Public Health and the Family.

4. Mrs. Martine Gulungana Gapozo, Director, Ministry of Primary and Secondary Education.

5. Mr. Roger Matadi Useng, Chief of Programmes, National Pedagogical Institute (IPN) and pollster for the National Programme on Planned Births (PND).

6. Mrs. Antoinette Mputela Mbongolo, economist, Director of Economic and Sociocultural Advancement, Family Division.

7. Dr. Cécile Mbotama, Director of the "Maman Bobi Ladawa" Mother and Child Centre, Ngaba.

8. Mrs. Esther Kamwanya, Chief of the Legal Analysis Section, Family Division.

9. Mrs. Hélène Mubiala Imbete, Deputy National Secretary for the Rights of Women, Children and the Family at the non-governmental organization, Actions Directes, Information, Formation, Education pour la Promotion de la Femme et de la Famille (AIFFA).

B. Leadership and technical contribution of the UNICEF office in Zaire

1. Mrs. Danielle Maillefer, Information Officer, UNICEF/Zaire.

2. Mrs. Perpétue Sudile Tambu, Social Mobilization Officer, UNICEF/Zaire.

Note about the author

Mrs. Odette Bolie Nonkwa Mubiala was born in Lusanga (Zaire) on 26 June 1953. She earned a law degree from the University of Kinshasa in 1976. Having begun her career as a government procurator, she has been involved, since its establishment in 1980, in the Ministry for Women, Children and the Family, where she is currently Director and Chief of the Legal Service, after serving for a number of years as Legal Adviser, then Principal Private Secretary, to the Minister. She served as an expert with the Economic Commission for Africa (1993) for the International Year of the Family, and as an expert on the Commission for Women, the Family and Children at the National Sovereign Conference (August 1991-December 1992). She is the rapporteur general of the National Committee on Women and the Family and a member of the Commission on the Reform of Zairian Law.

She is the author of a number of studies and publications dealing with women, children and the family and has participated in many service missions and study trips in this field, both in Zaire and abroad. She has participated, in particular, in the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women (held in Nairobi, Kenya, in 1985), in the preparatory work (1994-1995) for the Fourth World Conference on Women (held in Beijing, People's Republic of China, 1995), and in the Conference itself.

A consultant to UNICEF (June 1996), she is President of AIFFA. She was one of the organizers of the National Forum on the Rights and Leadership of Women (held in Kinshasa, 2 to 6 September 1996). She is married and has four children.